

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DOLORES SANCHEZ and
Z.A.,

Plaintiffs,

v.

CIVIL NO.: 1:18-cv-00678-JAP-KBM

ESPAÑOLA PUBLIC SCHOOLS
and JAMES H. RODRIGUEZ
ELEMENTARY SCHOOL,

Defendants.

ANSWER TO COMPLAINT

Defendants answer Plaintiff's Complaint as follows:

ALLEGATIONS

Plaintiffs allege: "We agreed on promises and for my grandson to get help they school district defaulted on a agreement between Dolores & Zachariah, and Española School district." [sic]

Defendants admit Española Public Schools entered into the Settlement Agreement attached as Exhibit C to Defendants' Notice of Removal, Document 1. Defendants admit that the Settlement Agreement is between Española Public Schools and Dolores Sanchez, individually and on behalf of Zachariah A. Defendants deny that Española Public Schools is in default of the Settlement Agreement. Defendants deny any other allegations contained in Plaintiffs' Complaint.

AFFIRMATIVE DEFENSES

Based on the facts known to Defendants at this time, Defendants assert the following affirmative defenses:

1. James H. Rodriguez Elementary School is not a proper defendant for the reason that it is not an entity separate from Española Public Schools and it lacks the legal capacity to sue or be sued.

Defendants reserve the right to assert additional affirmative defenses as those defenses become known through discovery.

Respectfully submitted,

WALSH GALLEGOS TREVIÑO
RUSSO & KYLE, P.C.

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 23rd day of July, 2018, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court using CM/ECF system and has been served on Plaintiffs pro se, pursuant to Federal Rules of Civil Procedure as follows:

Dolores Sanchez & Zachariah A.
PO Box 386
Alcalde, New Mexico 87511
VIA MAIL

WALSH GALLEGOS TREVIÑO
RUSSO & KYLE P.C.

By: /s/ Barry J. Berenberg
Barry J. Berenberg